

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-HC-2108-D


LAWRENCE BROWN,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
TRACY JOHNS, WARDEN,)	
)	
Respondent.)	

On June 1, 2010, Lawrence Brown (“Brown” or “petitioner”) filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 against Warden Tracy Johns (“Johns”) [D.E. 1]. Brown was confined at the Medium Security Federal Correctional Institution in Butner, North Carolina, pending commitment proceedings against him by the government under 18 U.S.C. § 4248, in United States v. Brown, No. 5:07-HC-2026-D (“the 4248 proceeding”). On July 8, 2010, Brown filed a motion to appoint counsel [D.E. 5]. On July 13, 2010, Johns filed a motion to dismiss [D.E. 6]. On August 4, 2010, respondent moved to stay proceedings in this action “pending the resolution of two closely-related appellate matters.” Brown v. Johns, No. 5:10-HC-2108-D, [D.E. 10], at 1 (E.D.N.C. Aug. 4, 2010).

On December 13, 2010, in the 4248 proceeding, Brown (represented by counsel) and the government filed a stipulation of dismissal with prejudice, agreeing to dismiss the 4248 proceeding with prejudice “and release [Brown] from custody, to begin serving his period of supervised release” United States v. Brown, No. 5:07-HC-2026-D, [D.E. 32], at ¶ 2 (E.D.N.C. Dec. 13, 2010). The stipulation also states that Brown agrees to dismiss the 2241 proceedings without prejudice. Id. ¶ 5. On December 14, 2010, this court reviewed the stipulation of dismissal and ordered Brown’s release.

United States v. Brown, 5:07-HC-2026-D, [D.E. 33] (E.D.N.C. Dec. 14, 2010) (unpublished). Based on the stipulation of dismissal and Brown's release from custody, the court hereby DENIES AS MOOT all pending motions in this action [D.E. 5, 6, 10] and DISMISSES this action. The Clerk is DIRECTED to close this case.

SO ORDERED. This 26 day of January 2011.


JAMES C. DEVER III
United States District Judge